



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 14 2006

Honorable D. Kent King
Commissioner
Missouri Department of Elementary and Secondary Education
P.O. Box 480
Jefferson City, Missouri 65102-0480

Dear Commissioner King:

Thank you for your timely submission of Missouri's State Performance Plan (SPP) for review under Part C of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part C of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part C.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part C meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State lead agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to the Office of Special Education Programs (OSEP) on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our October 27, 2005 letter that responded to your State's Federal fiscal year (FFY) 2003 APR, that also may require additional reporting.

The State's longstanding noncompliance, related to the requirements under 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (45-day timeline), and under 34 CFR §303.501 (timely correction of noncompliance) is reported under Indicators 7 and 9, respectively, in Table B. OSEP initially identified the noncompliance in both of these areas in March 2003 and required correction. In its May 7, 2004 letter responding to the State's FFY 2001 APR, OSEP required the State to submit final documentation demonstrating correction of the noncompliance by June 6, 2005. The State provided data in the SPP that demonstrate continuing noncompliance with those requirements. The level of compliance reported with the 45-day timeline (Indicator 7) was 75.4% for FFY 2004 (2004-2005) and 81.52% for the time period from January 1, 2005 to August 31, 2005. The level of compliance reported with the requirement for timely correction of noncompliance (Indicator 9A) was 60%. The State must provide data demonstrating compliance in both areas by June 1, 2006. Failure to provide data by that time demonstrating compliance may result in the State's being designated a "high risk" grantee or otherwise affect its FFY 2006 grant award.

The State's ICC had the option of using the State's SPP as its required Annual Performance Report under section 641(e)(1)(D) for FFY 2004. However, the State's ICC did not submit a certification with the SPP. States' APRs are due within 90 days of the end of the Federal fiscal year. Therefore, the State ICC must submit its FFY 2004 Performance Report to OSEP as soon as possible.

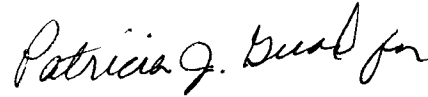
In addition to reporting to OSEP, the State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on EIS program performance is a critical provision related to ensuring accountability and focusing on improved results for infants and toddlers with disabilities. OSEP will be providing technical assistance regarding the reporting on EIS program performance at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as

you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Barbara Route at 202-245-7510.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia J. Justesen".

Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

Table A

Table B

cc: Pam Williams
Part C Coordinator

Part C ICC Chairperson

MISSOURI PART C
Table A
Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 1:</p> <p>Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>(20 U.S.C. 1416(a)(3)(A) and 1442)</p>	<p>Noncompliance:</p> <ol style="list-style-type: none"> 1. The State's timely standard begins with a starting point that is not consistent with the Part C regulations at 34 CFR §§ 303.342(e) and 303.344(f)(1). The "IFSP service initiation date" is established by the IFSP team, which includes the parent, and may serve as the standard but the State may not add an additional period to this date. 2. See Table B for previously identified issues relating to Indicator 1. 	<ol style="list-style-type: none"> 1. The State must revise its timely standard and may use a starting point consistent with the Part C regulations, such as when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2). Alternatively, the State may use "IFSP initiation date" as its standard but must monitor the implementation of this standard to ensure that this date is reasonable when applied to individual IFSPs. The State must submit its revised standards and data in the FFY 2005 APR due February 1, 2007. 2. As discussed in Table B.
<p>Indicator 8:</p> <p>Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <ol style="list-style-type: none"> A. IFSPs with transition steps and services; B. Notification to LEA, if child potentially eligible for Part B; and C. Transition conference, if child potentially eligible for Part B. <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Noncompliance:</p> <p>Indicator 8A: On page 24 of the SPP, the State reported a 45.9% level of compliance, specifically the requirement at 34 CFR §303.344(h).</p> <p>Indicator 8B: On page 24 of the SPP, the State reported a 45.8% level of compliance, specifically the requirement at 34 CFR §303.148(b)(1).</p> <p>Indicator 8C: See Table B for previously identified issues relating to this indicator.</p>	<p>Indicator 8A and 8B: The State must ensure that noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with these requirements. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with these requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>Indicator 8C: As discussed in Table B.</p>

SPP Indicator	Issue	Required Action
<p>Indicator 11:</p> <p>Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>Under 34 CFR §303.423(b) of the current IDEA Part C regulations, when a State chooses to implement due process procedures under Part C, the hearing decision must be rendered within 30 days of the request for a hearing and no extensions are allowed. It is our understanding that the State has chosen to implement due process hearing procedures under Part C and thus a 30-day timeline applies to issuing due process hearing decisions.</p>	<p>The State must, as part of its FFY 2006 application for Part C funds or by June 1, 2006, provide a written assurance confirming that it is using the 30-day timeline under 34 CFR §303.423(b), which does not provide for extensions.</p>
<p>Indicator 13:</p> <p>Percent of mediations held that resulted in mediation agreements.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p>The State included improvement activities regarding mediation; however, baseline data indicated that the number of mediations requested was fewer than ten. OSEP guidance on developing the SPP indicated that targets and improvement activities were not needed until the number of mediations requested totaled ten or greater.</p>	<p>The State may remove the improvement activities related to mediation in the APR, due February 1, 2007, if the number of mediations for 2004-2005 is fewer than 10. In a reporting period when the number of mediations reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR.</p>

MISSOURI – PART C

Table B

Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 1 34 CFR §§ 303.342(e), 303.344(f)(1) and 303.340(c)</p> <p>OSEP's October 2004 letter directed the State to submit data in the FFY 2003 APR regarding whether all services identified on the IFSPs were provided as required by Part C.</p> <p>OSEP's October 27, 2005 letter indicated that OSEP could not determine, from the data the State submitted, the causes for the delays or denials of the early intervention services on IFSPs and required the State to provide, in the SPP, updated data in response to Indicator 1 regarding the percent of eligible children who receive their early intervention services in a timely manner, and, if the data indicated noncompliance, a plan to ensure compliance within one year of OSEP's acceptance of the plan.</p>	<p>On page 4 of the SPP, the State reported data indicating that 69.7% of children received all of the services listed on their IFSPs within 30 days from the authorization start date.</p> <p>On page 5 of the SPP, the State submitted improvement activities, timelines and resources for ensuring that eligible children receive the early intervention services listed on their IFSPs.</p>	<p>The State provided data that demonstrate noncompliance with the requirements of 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) that eligible children receive all of the early intervention services listed on their IFSPs. The level of compliance reported was 69.7%.</p>	<p>The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>See Table A for issues identified in the SPP also relating to this indicator.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 7 34 CFR §§ 303.321(e)(2), 303.322(e)(1), and 303.342(a)</p> <p>OSEP's March 20, 2003 response to the State's 2002 Self-Assessment identified noncompliance with the requirement to complete evaluations, assessments and initial IFSP meetings within 45 days of referral. In its May 7, 2004 letter responding to the State's FFY 2001 APR, OSEP accepted the State's strategies for correcting this noncompliance and required the State to provide a final Progress Report by June 6, 2005.</p> <p>The State's FFY 2003 APR reported baseline and trend data for the 45-day timeline that indicated continued noncompliance.</p> <p>OSEP's October 2005 response to the APR required the State to:</p> <ol style="list-style-type: none"> 1. Provide updated correction data regarding the percentage of eligible children who received an assessment, evaluation and an initial IFSP meeting within 45 days of referral, broken down by single point of entry (SPOE), covering the period from January 2005 through the most recent data available. OSEP further stated that, if the data were available, Missouri must also provide the reasons for delays, broken down by SPOE; and 2. Ensure that its targets for Indicator 7 and other compliance indicators were 100%. 	<ol style="list-style-type: none"> 1. The State reported on page 19 of the SPP, baseline data for FFY 2004 (2004-2005) indicating that 75.4% of eligible children had an evaluation, assessment, and initial IFSP completed within the 45-day timeline or that exceeded the timeline due to parent or child reasons. <p>On page 20 of the SPP, the State provided a chart organized by SPOE region for the time period from January 1, 2005 to August 31, 2005 indicating that 81.52% of the 45-day timelines either were met or exceeded for family reasons.</p> <p>On page 21 of the SPP, the State provided a similar chart that reported the reasons for exceeding the 45-day timeline. The reasons cited for delays were: Parent/Child (26.7%); SPOE (5.3%); Provider (11.2%); Provider Availability (3.2%); and No Reason (48.1%).</p> <ol style="list-style-type: none"> 2. On page 22, the State included 100% compliance targets for Indicator 7. The State also reported 100% compliance as the target for all other SPP compliance indicators. 	<ol style="list-style-type: none"> 1. The State provided data that demonstrate continuing noncompliance with the requirement regarding Part C's 45-day timeline at 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). The level of compliance reported in the baseline data for FFY 2004 (2004-2005) was 75.4%, and 81.52% for the time period from January 1, 2005 to August 31, 2005. <p>OSEP initially identified this noncompliance in its March 2003 letter and required correction.</p> <ol style="list-style-type: none"> 2. The State provided information reporting 100% compliance as the target for all SPP compliance indicators. 	<ol style="list-style-type: none"> 1. The State must submit data that demonstrate compliance with this requirement by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award. 2. No further action is required.

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 8C 34 CFR § 303.148(b)(2)(i)</p> <p>OSEP's October 2004 letter directed the State to submit data regarding whether the State was meeting the transition planning conference requirements of 34 CFR §303.148(b)(2)(i), and if the data showed noncompliance, a plan to ensure correction of the noncompliance.</p> <p>OSEP's October 27, 2005 letter found that the State's FFY 2003 APR data did not measure compliance with the transition planning conference requirement. OSEP's letter required the State to provide, in the SPP, updated data in response to Indicator 8 regarding compliance with the transition planning conference requirement, and if the data indicated noncompliance, a plan designed to ensure compliance within one year of OSEP's acceptance of the plan.</p>	<p>The State reported on page 24 of the SPP, data indicating that 46.4% of children potentially eligible for Part B had a transition conference.</p> <p>On pages 24 and 25 of the SPP, the State submitted improvement activities, timelines and resources for ensuring that the timely transition planning requirements, including the planning conference, are met.</p>	<p>1. The State provided data that demonstrate noncompliance with the transition planning conference requirements of 34 CFR §303.148(b)(2)(i) (Indicator 8C). The level of compliance reported was 46.4%.</p> <p>2. See Table A for issues in the SPP relating to Indicator 8A and Indicator 8B.</p>	<p>1. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>2. As discussed in Table A.</p>
<p>Indicator 9 34 CFR § 303.501</p> <p>In its March 2003 letter, OSEP indicated that the State was not ensuring timely correction of identified noncompliance. In its May 7, 2004 verification visit letter, OSEP found that the State's noncompliance in this area had persisted. In its May 7, 2004 response to the State's FFY 2001 APR, OSEP accepted the State's improvement strategies and directed the State to submit a final Progress Report by June 6, 2005.</p> <p>OSEP's October 27, 2005 response to the State's FFY 2003 APR found that the FFY 2003 APR and June 2005 Progress Report data did not confirm that the State corrected the identified noncompliance within one year of identification. OSEP's letter required the State to provide, in response to Indicator 9 in the SPP, data and analysis demonstrating the correction of State-identified noncompliance within one year of identification, which OSEP indicated must be the date of the monitoring report or other mechanism used by the State to inform its local programs of noncompliance.</p>	<p>Indicator 9A: On page 29 of the SPP, the State reported data indicating that 60% of identified noncompliance was corrected within the one-year timeline for monitoring priority areas and indicators.</p> <p>Indicator 9B: On page 30 of the SPP, the State reported data indicating that, for areas not related to monitoring priority areas and indicators, 88.3% of noncompliance was corrected within one year.</p>	<p>The State provided data that demonstrate continuing noncompliance with the requirements of 34 CFR §303.501, that the State ensure correction of identified noncompliance within one year of the date it identifies the noncompliance.</p> <p>Indicator 9A: The level of compliance reported was 60% for monitoring priority areas and indicators.</p> <p>Indicator 9B: The level of compliance reported was 88.3% for areas not related to monitoring priority areas.</p> <p>OSEP initially identified this noncompliance in its March 2003 letter responding to the State's 2002 Self-Assessment and required correction.</p>	<p>The State must submit data that demonstrate compliance with these requirements by June 1, 2006. Failure to demonstrate compliance at that time may result in the State being identified as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p>